

PAMELA Y. PRICE, ESQ. (STATE BAR NO. 107713)
PRICE AND ASSOCIATES
A Professional law Corporation
1611 Telegraph Avenue, Ste. 1450
Oakland, CA 94612
Telephone: (510) 452-0292
Facsimile: (510) 452-5625

JOHN L. BURRIS, ESQ. (STATE BAR NO. 69888)
Law Offices of John L. Burris
7677 Oakport Street, suite 1120
Oakland, CA 94621
Telephone: (510) 839-5200
Facsimile: (510) 839-3882

CHARLES STEPHEN RALSTON, ESQ. (STATE BAR NO. 34111)
Attorney at Law
2421 Valley Street
Berkeley, CA 94702
Telephone: (510) 540-9683
Facsimile: (510) 540-9685

Attorneys for Plaintiff
DEANNA J. FREITAG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEANNA J. FREITAG

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

CASE NO. C-00-2278 TEH

***[PROPOSED]* ORDER
GRANTING PLAINTIFF'S
MOTION FOR AN ORDER ON
REMANDED ISSUES**

**Date: June 4, 2007
Time: 10:00 am
Courtroom: 12, 19th Floor
Hon. Thelton E. Henderson**

This matter came before the Court on a regularly calendared basis on June 4, 2007, on
Plaintiff's Motion for an Order on Remanded Issues brought pursuant to the order of this Court

entered on April 16, 2007. Both plaintiff and defendants were present and represented by counsel.

Having considered all of the papers submitted on and in opposition to said motion, together with the arguments of counsel, and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

That the Motion is GRANTED:

The Court holds:

1. The letter to Director Terhune was protected by the First Amendment to the Constitution of the United States;
2. The jury instructions in this case were harmless error;
3. The defendants, Roberts J. Ayers, Jr., and Teresa Schwarts, are not entitled to the defense of qualified immunity;
4. The judgments entered heretofore in favor of the plaintiff as to defendants Ayers and Schwartz shall stand in their entirety, including the award of damages and attorneys' fees.

DATED: _____, 2007

HON. THELTON E. HENDERSON
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA